



Accessory Dwellings

Handout #43 - Revised 2/25/04

What is an accessory dwelling?

Accessory dwelling units (ADU) are intended to provide a greater range of housing choices in single-family residential districts on lots within a minimum size of 5,000 square feet. It is an additional smaller, subordinate dwelling unit on a lot with an existing or new house. A mobile home is not considered an accessory dwelling. An accessory dwelling unit that meets the requirements of this code section may be allowed in the R1-20, R1-10, R1-7.5, R1-6, R1-5 zones or on any multi-family-zoned lot developed with an existing single family dwelling, except as noted in the code.

Why should the county encourage accessory dwellings?

Accessory dwelling units are because they:

1. Provide a range of choices of housing;
2. Provide additional dwelling units while increasing housing densities at minimal costs and disruptions to existing neighborhoods;
3. Allow individuals and smaller households to retain large houses and residences; and,
4. Provide opportunities for older or younger relatives to live in close proximity while maintaining a degree of privacy.

What conditions will allow for the establishment of an ADU?

An accessory dwelling unit may be created through the following:

1. Internal conversion within an existing dwelling;
2. Additions to existing house or garage (and must be located at least 40ft back from the front property line);
3. Conversion of an existing garage if it is set back at least 40ft from the front property line;
4. Inclusion in development plans for, or part of, the construction of a new single family detached dwelling unit; or
5. A separate detached dwelling unit that must be located at least 10ft behind any structural element of the primary unit.

Can I establish an ADU if there are two single-family units on the lot?

You may not establish an accessory dwelling unit on a lot of record with two or more single-family residences.

Does an accessory dwelling need a building permit?

Yes. Before receiving a building permit to establish an accessory dwelling, the applicant must record a deed restriction covenant at the County Auditor's office certifying that the owner is occupying one of the dwellings on the lot. An ADU shall comply with applicable building, fire, and health and safety codes. An ADU cannot be occupied until a "*Certificate of Occupancy*" is issued by the building department.

Do I have to connect to water and sewer?

Yes. An accessory dwelling unit shall connect to public sewer and water.

What is the maximum area allowed for an accessory dwelling?

The total gross floor area of an accessory dwelling shall not exceed forty per cent of the area of the primary dwelling's living area, excluding uninhabitable floor area, the garage or other outbuildings.

Are there any restrictions on building heights?

The building height is limited to 25 ft for a detached accessory dwelling unit.

Can I have an accessory dwelling unit if I am already operating a Home Occupation activity?

You may have an accessory dwelling if you are operating a Type I, but not a Type II home occupation activity (see Handout #45 Home Occupations). You may not establish a Type II home occupation activity following the establishment of an accessory dwelling unit.

What about parking and impact fees?

You may be required to provide parking for an accessory dwelling, if there is no on-street parking. You are required to pay impact fees at the same rate as those imposed for multi-family dwelling units.

What if the accessory building is occupying the same lot with a property that is designated a historic site?

The accessory dwelling must follow existing design guidelines to conform to the existing primary dwelling unit, including exterior materials, trim on edges of elements, windows and, pediment and dormers.

Are there other design guidelines that are applicable to an ADU?

Yes. Plain concrete, concrete block, corrugated metal, or plywood are prohibited if they are not the predominant exterior finish material on the primary dwelling, unless these materials duplicate or reflect the predominate finish. In addition, for buildings over 15 ft in height, the slope of the ADU roof must be the same as that of the predominate slope of the primary dwelling structure.

What is the application process?

The application is completed over the counter at the customer service center. The applicant is required to submit an Accessory Dwelling Unit Agreement and Decision form (the packet) and pay the application fee.

The packet includes responses to questions related to the requirements for establishing an ADU, (including the need for a building permit), and a checklist (attached) that the applicant must complete and sign. The packet also includes a Covenant Running with the Land which the applicant must notarize and record with the Auditor's office certifying that the owner is occupying one of the buildings

on the lot.

The packet will be reviewed by staff at the Clark County Public Service Center, Customer Service Center, located at 1300 Franklin Street, Vancouver, Washington, to determine if the applicant has satisfied all the applicable conditions.

What if I didn't provide all the required information?

Applications with incomplete information will be returned to the applicant at the counter. The application process for establishing an ADU is designed to minimize the review period typically required for such Type I applications (these applications may be approved within 21 calendar days upon submittal of paperwork to completing a county staff report). If the applicant fails to provide all the required information, staff can not act on the agreement and decision form until the applicant completes the information identified in the packet.

What kind of public notice is provided?

Public notice is not required for this type of review.

When will a decision be made?

A decision will be made at the counter if the applicant completely fills out the *Agreement and Decision* form before submitting it at the Customer Service Center. Staff action on the agreement and decision constitutes the written notice of decision (and staff report).

Can the decision be appealed?

The Planning Director's decision may be appealed to the County Hearings Examiner by the applicant or any person or group. An appellant must submit an appeal application and **\$1070** fee within 14 calendar days after the written notice of the decision.

Note: This handout is not a substitute for a county code. For more detailed information, please refer to Clark County Code Section 40.260.020 Accessory Dwelling Units.

DEVELOPMENT REVIEW TYPE I ACCESSORY DWELLING AGREEMENT AND DECISION

Applicant Name/Address/Phone

No.: _____

—

**Property owner/Address/Phone No. (if
different):** _____

—

Accessory Dwelling/Existing property Address:

Parcel number:

Description:

Following is a list of the required conditions for placing accessory dwelling units on a lot. Please read and initial each item, and sign the certification agreeing to these conditions.

1. ☐ Yes ☐ No Applicant understands the Fire Marshal shall review location of accessory dwelling unit for compliance before obtaining a building permit?

2. ☐ Yes ☐ No The application and Building Permit fees have been paid (*show receipts*)?

3. ☐ Yes ☐ No A copy of the plot plan is attached? The plot plan, prepared by applicant on an 8.5 X 11, shall contain information such as:

- ☐ Outline and dimensions of the property boundaries;
- ☐ Location of all existing/proposed building structures (County codes requires at least 8 ft between structures)
- ☐ Distance between any slopes, creeks or bodies of water;

- ☐ Location of wells and water lines, septic tanks, sewer lines/drainfield area;
- ☐ All easements crossing the property;
- ☐ Underground power lines; and,
- ☐ Location of legal accesses.

4. ☐ Yes ☐ No Applicant has completed Accessory Dwelling Unit checklist (item #10, below)?

5. ☐ Yes ☐ No A color photograph of the primary dwelling unit is attached?

6. ☐ Yes ☐ No Applicant is submitting a scaled building plan elevation for the primary and accessory dwelling units. Drawing shall show materials used, dimensions, siding and roof materials and colors, roof slopes, window types and any other architectural features?

7. ☐ Yes ☐ No Approval letter from public sewer/water purveyor is attached?

8. ☐ Yes ☐ No Utility review approval from water purveyor is attached certifying ability to meet water pressure and fire flow requirements of the Fire Marshal?

9. ☐ Yes ☐ No Applicant/owner has executed Covenant Running with the Land with the County Auditor's office?

10. Accessory Dwelling Unit (ADU) Checklist

This ADU is being built as: (check one)

- a) Internal conversion ____
- b) Addition to an existing single family house ____
- c) Conversion of garage ____
- d) Detached unit ____
- e) Included in new construction of a single family house ____

CODE ITEM (CCC 40.260.020)	PRIMARY UNIT	ACCESSORY UNIT (ADU)
1. Square footage of living area		_____ Allowed square footage
2. 40% of (1) above	Square ft. _____ x .40 =	
3. Lot coverage	Primary + outbuildings= _____	Footprint of ADU= _____
4. Setbacks a) Front b) Side c) Rear d) Street side e) Garage	a) _____ b) _____ c) _____ d) _____ e) _____	a) _____ b) _____ c) _____ d) _____ e) _____
5. Building height		a) attached _____ b) detached _____
6. Home Occupation on site? Y / N	if yes, describe fully in separate narrative	
7. Parking spaces a) On-street available? Y/N b) No. of spaces on-site	a) Yes No b) _____	a) Yes No b) _____
8. If ADU is over 15 feet in height, does it have a pediment or dormer, if one is present on the primary dwelling unit? Y/ N		
9. Entrances/Egress a) How many front doors existing on primary dwelling unit? b) Location of ADU entry if internal or garage conversion? (Side or rear entry)	a) _____	a) _____ *If there is a front door on an addition or garage conversion, was it existing prior to application? Y / N

AUTHORIZATION

I have read and understand the above conditions for placing accessory dwelling unit(s) on my property, and hereby certify that all information submitted with this application are complete and correct.

(Letter of authorization required if other than property owner)

Date

DECISION

Based on the information submitted in the application packet, the above certification, and other information in County records, County staff has reviewed this request against the applicable standards and criteria in Clark County Code Section 40.260.020, summarized above, and have determined that permit application is:

DENIED Reason:

APPROVED, subject to these conditions:

1. _____
2. _____
3. _____

STAFF:

DATE:

Team Leader _____ Date _____

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>**

COVENANT RUNNING WITH THE LAND

This is a covenant to Clark County, State of Washington, hereinafter "County," in a conjunction with a request for a building permit for construction of an accessory dwelling unit on a lot with, or in, in existing or new primary residential structure, whereby the owners of certain real property on behalf of themselves and all their heirs, assigns and successors in interest into whose ownership said property shall pass, covenant that such owners will occupy one of said residential units as the owners' principal and permanent residence.

Owners, herein, covenant and agree to Clark County on behalf of themselves and all their heirs, assigns and successors of interest, into whose ownership the below-described real property might pass, as follows, it being specifically agreed and covenanted that this is a covenant running with the land therein described:

1. Owners are the sole and executive owners of the following described parcel located in Clark County, State of Washington.
2. Pursuant to Clark County Code Section 40.260.020, owners covenant that either the primary or accessory dwelling unit is and will continue to be occupied by owners as their principal and permanent residence for as long as the other unit is rented or otherwise occupied. Owners shall maintain residency for at least six (6) months out of the year, and at no time receive rent for, or otherwise allow to be occupied, the owner-occupied unit of absent for the remainder of the year.
3. The provisions of this covenant are enforceable in law or equity by Clark County and its successors or assigns;
4. This covenant and all its provisions, and each of them, shall be binding upon the owners and any and all of their heirs, assigns, and successors in interest into whose ownership the above-described real property may pass, and any obligation made herein by the owners shall be enforceable against all of their heirs, assigns, and successors in interest into whose ownership the above-described real property may pass.
5. This covenant will terminate automatically if the property is subdivided and the accessory dwelling unit is located on a separate legal lot pursuant to Chapter 58.17 RCW.

Approved as to form only:
Richard Lowry
Prosecuting Attorney

OWNERS:

STATE OF WASHINGTON)
:SS.
COUNTY OF CLARK)

I certify that I know or have satisfactory evidence that

and _____ are the persons who appeared before me, and said persons acknowledge that they signed this instrument and acknowledge it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

SUBSCRIBED and sworn before me this _____ day
of _____ 20_____.

NOTARY PUBLIC in and for the State of
Washington, residing in Vancouver.

My commission expires:

—

DEVELOPMENT REVIEW APPLICATION FORM

(Form DS1000-Revised 12/4/03)



PROJECT NAME:		
TYPE(S) OF APPLICATION (See Reverse Side):		
DESCRIPTION OF PROPOSAL:		
APPLICANT NAME:		Address:
E-mail Address:		Phone and Fax:
PROPERTY OWNER NAME (list multiple owners on a separate sheet):		Address:
E-mail Address:		Phone and Fax:
CONTACT PERSON NAME (list if not same as APPLICANT):		Address:
E-mail Address:		Phone and Fax:
PROJECT SITE INFORMATION: Site Address:		Comp Plan Designation:
Cross Street:	Zoning:	Serial #'s of Parcels:
Overlay Zones:	Legal:	Acreage of Original Parcels:
Township:	Range:	¼ of Section:

AUTHORIZATION

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. This application gives consent to the County to enter the properties listed above.

Authorized Signature

Date

Assigned at Customer Service Center	CASE NUMBER:	
	WORK ORDER NUMBER:	

APPLICATION TYPES

If you have any questions regarding the type of application being requested, our Customer Service Center will be happy to assist you.

- ☐ Annual Review
- ☐ Appeal
- ☐ Boundary Line Adjustment and Lot Reconfiguration
- ☐ Conditional Use

Environmental/Critical Areas:

- ☐ Archaeological
- ☐ Critical Aquifer Recharge Area (CARA)
- ☐ Columbia River Gorge
- ☐ Forestry + (Moratorium Waiver, Moratorium Removal, Class I, Class IVG or COHP)
- ☐ Floodplain
- ☐ Geological
- ☐ Habitat
- ☐ Historic
- ☐ SEPA
- ☐ Shoreline
- ☐ Wetland

Land Division:

- ☐ Binding Site Plan
- ☐ Final Plat
- ☐ Plat Alteration
- ☐ Short Plat (___ Infill)
- ☐ Subdivision (___ Infill)

Miscellaneous:

- ☐ Addressing
- ☐ Accessory Dwelling
- ☐ Covenant Release
- ☐ Garden Shed Setback Waiver
- ☐ Home Occupation
- ☐ Legal Lot Determination & Innocent Purchasers Determination
- ☐ Non-Conforming Use Determination
- ☐ Reconstruct Letter
- ☐ Sewer Waiver
- ☐ Shooting Range
- ☐ Sign

Planning Director Review:

- ☐ Post Decision
- ☐ Pre-Application Conference
- ☐ Pre-Application Waiver
- ☐ Public Interest Exception
- ☐ Similar Use
- ☐ Temporary Use
- ☐ Other

- ☐ Planned Unit Develop/Master Plan
- ☐ Road Modification
- ☐ Site Plan
- ☐ Variance
- ☐ Zone Change